

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, FEBRUARY 7, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, February 7, 2005, and may continue into Tuesday, February 8, 2005.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; SDSC Case No. GIC 692794
Otay Acquisitions v. City of San Diego
San Diego Superior Court No. Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
San Diego Superior Court Nos. GIC 791407; GIC 805465

ACA assigned: Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

CS-2 *San Diego County Taxpayers v. City*
San Diego Superior Court No. GIC 841487

DCA assigned: McGrath

This matter involves a lawsuit against the City seeking to invalidate that agreement known as “Manager’s Proposal II”, between the City and the Retirement Board. In closed session the City Attorney will brief the City Council on the matter and make appropriate recommendations for proceeding.

CS-3 *San Diego City Employees’ Retirement System v. Aguirre*
San Diego Superior Court No. GIC 841845

DCA assigned: McGrath

This matter involves a lawsuit against the City and the City Attorney seeking a declaration and injunctive relief as to the rights of the Retirement System and its Board of Administration with respect to the provisions of legal advice and the role of the City Attorney, and the ownership on control of certain documents. In closed session the City Attorney will advise the City Council on the matter and make appropriate recommendations for proceeding.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-4 Number of Cases: One

DCA assigned: Foster

This matter involves potential litigation against the Retirement Board of Administration, its members, and Retirement System officials and employees for violation of the California Open Meeting Law, the Brown Act. In closed session the City Attorney will advise the City Council on the City’s options with respect to initiation of litigation.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-5 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

Employee organizations: Municipal Employees Association, Local 127
AFSME AFL-CIO, Local 145 International Association of
Firefighters AFL-CIO, San Diego Police Officers
Association

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-6 Title: City Auditor and Comptroller

CS-7 Title: City Manager